

EXHIBIT B TO
UNITED STATES'
SENTENCING MEMORANDUM

US District Court Criminal Docket

**U.S. District - California Northern
(Oakland)**

4:97cr40048

USA v. Lusk

This case was retrieved from the court on Wednesday, November 07, 2007

Date Filed: 03/27/1997

**Other Magistrate judge case number: 97-mj-
Docket: 00004**

**Class Code: CLOSED, E-FILING, ICMS, REFDIS, RELATE
Closed: yes**

Defendants

Name

William Lusk(1)
[Term: 06/02/1998]

Attorneys

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[Term: 06/02/1998]
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Charges

Complaints: 21:841(a)(1); 18:924(c)(1); 18:922(g)(1): possession
of cocaine powder and cocaine base with intent to
distribute; use of firearm in relation to drug trafficking
crimes; felon in possession of firearm [4:97-m-4]

Pending: 18:922(g)(1): Felon in possession of firearms and
ammunition (1)

21:841(a)(1): Possession with intent to distribute
cocaine (2)

21:841(a)(1): Possession with intent to distribute
cocaine (3)

18:924(c)(1): Carrying firearm during a drug trafficking
crime (4)

Disposition

committed to custody of BOP for a term of 77 months on
Count 1 and 60 months on Count 4 to run consecutively; 3
years supervised release; \$200 special assessment; \$7,500
fine

dismissed on government's motion

dismissed on government's motion

committed to custody of BOP for a term of 77 months on
Count 1 and 60 months on Count 4 to run consecutively; 3

Ex. B

Offense Level (Opening): 4

years supervised release; \$200 special assessment; \$7,500 fine

Terminated: none**Case Assigned to:** Hon. Saundra Brown Armstrong**Case Referred to:** Magistrate Judge Wayne D. Brazil**U. S. Attorneys**

George L. Bevan, Jr.
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Date	#	Proceeding Text
01/06/1997	1	COMPLAINT William Lusk (1) count(s) cmp Mag. Judge Wayne D. Brazil [4:97-m-4] (kc, COURT STAFF) (Entered: 01/06/1997)
01/06/1997	2	MINUTES: before Mag. Judge Wayne D. Brazil; issuing warrant for defendant William Lusk; (Tape No.: not recorded) [4:97-m-4] (kc, COURT STAFF) (Entered: 01/07/1997)
01/06/1997	--	Bench Warrant issued for William Lusk by Mag. Judge Wayne D. Brazil Bail Set: NO BAIL [4:97-m-4] (kc, COURT STAFF) (Entered: 01/07/1997)
03/17/1997	3	MINUTES: before Mag. Judge Wayne D. Brazil; first appearance of William Lusk, Attorney present; I.D. of counsel and setting of detention hearing set for 9:15 on 3/18/97 for William Lusk;; remanding deft. to custody; (Tape No.: 97-25) [4:97-m-4] (kc, COURT STAFF) (Entered: 03/19/1997)
03/18/1997	4	MINUTES: before Mag. Judge Wayne D. Brazil; I.D. of counsel held; Attorney for William Lusk is Robert D. Byers; detention/status hearing set for 9:15 on 3/21/97 for William Lusk; remanding deft. to custody; (Tape No.: 97-25) [4:97-m-4] (kc, COURT STAFF) (Entered: 03/19/1997)
03/19/1997	5	Bench Warrant returned executed as to William Lusk on 3/17/97 [4:97-m-4] (kc, COURT STAFF) (Entered: 03/20/1997)
03/21/1997	6	MINUTES: before Mag. Judge Wayne D. Brazil; status hearing re attorney appearance held; timing of detention hearing WAIVED; preliminary exam/arraignment set for 9:15 on 3/31/97 for William Lusk; remanding deft. to custody; (Tape No.: 97-28) [4:97-m-4] (kc, COURT STAFF) (Entered: 03/24/1997)
03/27/1997	7	INDICTMENT by AUSA George L. Bevan Jr.. Counts filed against William Lusk (1) count(s) 1, 2-3, 4 (kc, COURT STAFF) (Entered: 03/28/1997)
03/31/1997	8	MINUTES: before Mag. Judge Wayne D. Brazil; dft William Lusk arraigned; NOT GUILTY plea entered; Attorney present; preliminary exam held; Trial setting hearing will be held at 9:30 on 4/1/97 for William Lusk before Judge Saundra B. Armstrong; remanding deft. to custody; (Tape No.: 97-29) (kc, COURT STAFF) (Entered: 04/02/1997)
04/01/1997	9	MINUTES: before Judge Saundra B. Armstrong; Trial setting hearing continued to 4/29/97 at 9:30 for William Lusk; hearing on deft's motion to suppress set for 4/29/97 at 9:30 for William Lusk; motion to be filed by 4/15/97, opposition due 4/22/97; (C/R: Rosita Flores) (kc, COURT STAFF) (Entered: 04/03/1997)
04/16/1997	10	Notice of motion and MOTION before Judge Saundra B. Armstrong to suppress evidence by defendant William Lusk (kc, COURT STAFF) (Entered: 04/17/1997)
04/16/1997	11	MEMORANDUM by defendant William Lusk in support of motion to suppress evidence by defendant William Lusk [10-1] (kc, COURT STAFF) (Entered: 04/17/1997)
04/16/1997	12	EXHIBITS in support of motion to suppress evidence by defendant William Lusk [10-1] (kc, COURT STAFF) (Entered: 04/17/1997)
04/16/1997	13	PROOF OF SERVICE by defendant William Lusk of exhibits [12-1], memorandum [11-1], motion to suppress evidence by defendant William Lusk [10-1] (kc, COURT STAFF) (Entered: 04/17/1997)
04/22/1997	14	OPPOSITION by Plaintiff USA to motion to suppress evidence by defendant William Lusk [10-1] (kc, COURT STAFF) (Entered: 04/23/1997)
04/22/1997	15	DECLARATION by George Bevan Jr. in support of opposition [14-1] (kc, COURT STAFF) (Entered: 04/23/1997)
04/29/1997	16	MINUTES: before Judge Saundra B. Armstrong; Trial setting/motion hearing not held; evidentiary hearing will

be held at 9:00 on 5/7/97 for William Lusk; (C/R: Carol Karen) (kc, COURT STAFF) (Entered: 05/01/1997)

05/07/1997 17 MINUTES: before Judge Saundra B. Armstrong; evidentiary hearing held; exhibit and witness list; (C/R: Carol Karen) (kc, COURT STAFF) (Entered: 05/08/1997)

05/15/1997 18 REPORTER'S TRANSCRIPT; Date of proceedings: 5/7/97 (C/R: Carol Karen) minutes [17-2] as to defendant William Lusk (kc, COURT STAFF) (Entered: 05/16/1997)

05/21/1997 19 OPENING SUPPLEMENTAL BRIEF in support FILED by defendant William Lusk regarding motion to suppress evidence by defendant William Lusk [10-1] (oh, COURT STAFF) (Entered: 05/22/1997)

05/27/1997 20 APPLICATION before Judge Saundra B. Armstrong for leave to file brief in excess of ten pages by USA as to William Lusk (kc, COURT STAFF) (Entered: 05/29/1997)

05/27/1997 21 SUPPLEMENTAL MEMORANDUM by Plaintiff USA in opposition to motion to suppress evidence by defendant William Lusk [10-1] (kc, COURT STAFF) (Entered: 05/29/1997)

05/30/1997 22 Responsive Supplemental BRIEF by defendant William Lusk in support of motion to suppress evidence by defendant William Lusk [10-1] (scu, COURT STAFF) (Entered: 06/03/1997)

07/28/1997 23 ORDER by Judge Saundra B. Armstrong for deft. to file a brief, no later than 8/5/97, which supports the proposition that deft's Miranda rights were violated as to defendant William Lusk (kc, COURT STAFF) (Entered: 07/29/1997)

07/28/1997 24 MOTION before Judge Saundra B. Armstrong in limine barring the defense from making any reference to punishment to the jury by USA as to William Lusk (kc, COURT STAFF) (Entered: 07/29/1997)

07/28/1997 25 MOTION before Judge Saundra B. Armstrong for the exclusion of witnessess by USA as to William Lusk (kc, COURT STAFF) (Entered: 07/29/1997)

08/05/1997 26 SUPPLEMENTAL BRIEF by defendant William Lusk in support of motion to suppress evidence by defendant William Lusk [10-1] (kc, COURT STAFF) (Entered: 08/06/1997)

12/15/1997 27 ORDER by Judge Saundra B. Armstrong denying motion to suppress evidence by defendant William Lusk as to evidence seized during the search of his vehicle and granting as to post-arrest statements concerning his parole status [10-1] as to defendant William Lusk (kk, COURT STAFF) (Entered: 12/17/1997)

12/15/1997 -- Docket Modification (Administrative) to order [27-1] Trial setting hearing will be held at 9:30 1/13/98 for William Lusk; status hearing will be held at 9:30 1/13/98 for William Lusk (kk, COURT STAFF) (Entered: 12/17/1997)

01/13/1998 28 MINUTES: filed on 1/13/98 before Judge Saundra B. Armstrong; William Lusk enters guilty plea; William Lusk (1) count(s) 1, 2, 4, sentencing hearing will be held at 9:30 3/31/98 for William Lusk; (C/R: Candace Yount) (kk, COURT STAFF) (Entered: 01/14/1998)

01/13/1998 29 Application and ORDER by Judge Saundra B. Armstrong William Lusk enters guilty counts 1,2,4 plea; (kk, COURT STAFF) (Entered: 01/14/1998)

01/13/1998 30 PLEA Agreement as to William Lusk (kk, COURT STAFF) (Entered: 01/14/1998)

01/13/1998 31 CLERK'S NOTICE for pre-sentence investigation as to defendant William Lusk (kk, COURT STAFF) (Entered: 01/14/1998)

01/14/1998 -- REFERRAL: referring case to Mag. Judge Wayne D. Brazil (judl, COURT STAFF) (Entered: 01/14/1998)

01/21/1998 32 MINUTES: before Mag. Judge Wayne D. Brazil; detention hearing not held as to defendant William Lusk; counsel to contact Court with new date; remanding deft. to custody; (Tape No.: 98-2) (kc, COURT STAFF) (Entered: 01/22/1998)

02/03/1998 33 MINUTES: before Mag. Judge Wayne D. Brazil; detention hearing held; sentencing hearing will be held at 9:30 on 3/31/98 for William Lusk before Judge Saundra B. Armstrong; remanding deft. to custody; (Tape No.: 98-6) (kc, COURT STAFF) (Entered: 02/04/1998)

02/03/1998 34 MEMORANDUM by defendant William Lusk in support of motion for release pending sentencing (kc, COURT STAFF) (Entered: 02/04/1998)

02/03/1998 35 EXHIBITS in support of release pending sentencing [34-1] (kc, COURT STAFF) (Entered: 02/04/1998)

03/31/1998 36 STIPULATION and ORDER by Judge Saundra B. Armstrong sentencing hearing will be held at 9:30 4/21/98 for William Lusk; before Judge Saundra B. Armstrong as to defendant William Lusk (kk, COURT STAFF) (Entered: 04/02/1998)

04/21/1998 37 MINUTES: filed on 4/21/98 before Judge Saundra B. Armstrong Dft requested to withdraw plea of guilty to cnt 2-granted; Judgment & sentencing hearing continued to 9:30 a.m. on 6/2/98 for William Lusk; before Judge Saundra B. Armstrong (C/R: Melody Celestino-Cretin) (mmr, COURT STAFF) (Entered: 04/22/1998)

04/21/1998 38 Amended PLEA Agreement as to William Lusk (mmr, COURT STAFF) (Entered: 04/22/1998)

05/28/1998 39 SENTENCING memorandum filed by USA as to defendant William Lusk (kc, COURT STAFF) (Entered: 05/28/1998)

05/29/1998)

06/02/1998 40 MINUTES: before Judge Saundra B. Armstrong; sentencing William Lusk (1) count(s) 1, 4, committed to custody of BOP for a term of 77 months on Count 1 and 60 months on Count 4 to run consecutively; 3 years supervised release; \$200 special assessment; \$7,500 fine; terminating case; counts William Lusk (1) count(s) 2, 3, dismissed on government's motion; (C/R: Candace Yount) (kc, COURT STAFF) (Entered: 06/04/1998)

06/03/1998 41 JUDGMENT and Commitment issued as to William Lusk by Judge Saundra B. Armstrong (cc: all counsel) (Date Entered: 6/5/98) (kc, COURT STAFF) (Entered: 06/05/1998)

10/20/1998 42 LETTER dated 10/15/98 from William Lusk requesting sentencing transcript (kc, COURT STAFF) (Entered: 10/23/1998)

08/17/1999 43 Payment Record Card: Payment of special assessment in the amount of \$200 on behalf of defendant William Lusk (kc, COURT STAFF) (Entered: 08/19/1999)

12/21/1999 44 MOTION before Judge Saundra B. Armstrong to defer payment of fine by defendant William Lusk (kc, COURT STAFF) (Entered: 12/22/1999)

01/21/2000 45 ORDER by Judge Saundra B. Armstrong GRANTING IN PART and DENYING IN PART motion to defer payment of fine by defendant William Lusk [44-1]; defendant to pay \$25 per month on the fine through the Inmate Financial Responsibility Program (kc, COURT STAFF) (Entered: 01/24/2000)

05/12/2000 46 ORDER by Judge Saundra B. Armstrong DENYING request to defer payment of fine or set monthly obligations at \$25 per month as to defendant William Lusk (kc, COURT STAFF) (Entered: 05/15/2000)

06/16/2000 47 NOTICE OF APPEAL by defendant William Lusk from Dist. Court decision order [46-2]; Fee status billed (kc, COURT STAFF) (Entered: 06/16/2000)

06/16/2000 -- Mailed request for payment of docket fee to appellant as to defendant William Lusk (cc to USCA) (kc, COURT STAFF) (Entered: 06/16/2000)

06/16/2000 -- Docket fee notification form and case information sheet to USCA [47-1] as to defendant William Lusk (kc, COURT STAFF) (Entered: 06/16/2000)

06/16/2000 48 Order for time schedule as to William Lusk (kc, COURT STAFF) (Entered: 06/16/2000)

06/16/2000 -- Copy of notice of appeal and docket sheet to all counsel as to defendant William Lusk (kc, COURT STAFF) (Entered: 06/16/2000)

06/27/2000 -- RECEIVED fee in amount of \$105.00 (Receipt # 401903), appeal [47-1] (kc, COURT STAFF) (Entered: 06/29/2000)

06/29/2000 -- Amended docket fee payment notification mailed to USCA as to defendant William Lusk (kc, COURT STAFF) (Entered: 06/29/2000)

01/23/2001 49 NOTICE by Judge Saundra B. Armstrong that defendant may file a motion with this Court requesting an extension of time to file a notice of appeal no later than 30 days after the date of this notice as to defendant William Lusk (kc, COURT STAFF) Modified on 01/26/2001 (Entered: 01/26/2001)

02/02/2001 50 MAIL [49-2] addressed to defendant William Lusk returned from Post Office (kc, COURT STAFF) (Entered: 02/06/2001)

02/05/2001 51 Copy of USCA ORDER remanding case to the District Court for the limited purpose of permitting the defendant an opportunity to request an extension of time to file the notice of appeal as to defendant William Lusk (kc, COURT STAFF) (Entered: 02/06/2001)

03/05/2001 52 ORDER by Judge Saundra B. Armstrong that the time for filing a notice of appeal will not be extended under Fed.R.App.P.4(b)(4) as to defendant William Lusk (kc, COURT STAFF) (Entered: 03/06/2001)

04/11/2001 53 CERTIFIED COPY of USCA Order: dismissing the appeal for failure to prosecute [47-1] as to defendant William Lusk (kc, COURT STAFF) (Entered: 04/12/2001)

04/12/2001 54 CLERK's letter spreading the mandate to counsel re appeal [47-1] as to defendant William Lusk (kc, COURT STAFF) (Entered: 04/12/2001)

05/14/2001 55 MAIL [54-1] addressed to defendant William Lusk returned from Post Office (kc, COURT STAFF) (Entered: 05/15/2001)

11/19/2001 56 MOTION before Judge Saundra B. Armstrong by defendant William Lusk to modify term of imprisonment (kc, COURT STAFF) (Entered: 11/20/2001)

11/28/2001 57 ORDER setting briefing schedule by Judge Saundra B. Armstrong government shall file response to motion to modify term of imprisonment by 12/21/01; defendant may reply no later than 1/19/01, after which the motion will be deemed under submission as to defendant William Lusk (kc, COURT STAFF) (Entered: 11/29/2001)

12/21/2001 58 OPPOSITION by Plaintiff USA to motion to modify term of imprisonment by defendant William Lusk [56-1] (kc, COURT STAFF) (Entered: 12/26/2001)

01/28/2002	59	MOTION before Judge Sandra B. Armstrong by defendant William Lusk to withdraw motion under 18:3582 (kc, COURT STAFF) (Entered: 01/29/2002)
04/12/2007	60	Probation form 12 by JaDee Voss as to William Lusk for warrant to be issued. Signed by Judge Sandra Brown Armstrong on 4/10/07. (kc, COURT STAFF) (Filed on 4/12/2007) (Entered: 04/13/2007)
04/13/2007	--	NO BAIL Arrest Warrant Issued as to William Lusk. (kc, COURT STAFF) (Filed on 4/13/2007) (Entered: 04/13/2007)
04/23/2007	61	Minute Entry for proceedings held before Judge Wayne D. Brazil: Initial Appearance on Supervised Release Violation as to William Lusk held on 4/23/2007. Attorney Appointment Hearing, Status Hearing re Detention and Setting for Supervised Release Violation Hearing set for 4/30/2007 at 10:00 AM before Magistrate Judge Wayne D. Brazil. Remanding defendant to custody. (Tape #FTR 4/23/07 10:42:09.) (kc, COURT STAFF) (Filed on 4/23/2007) (Entered: 04/24/2007)
04/30/2007	62	Minute Entry for proceedings held before Judge Wayne D. Brazil: Status Hearing as to William Lusk held on 4/30/2007. Attorney Appointment Hearing as to William Lusk held on 4/30/2007, CJA23 Submitted, Added attorney Jerome E. Matthews for William Lusk. Timing of detention hearing WAIVED. Defendant ordered DETAINED. Status or Setting for Supervised Release Violation Hearing set for 5/15/2007 at 09:00 AM before Hon. Sandra Brown Armstrong. Remanding defendant to custody. (Tape #FTR 4/30/07 10:12:40.) (kc, COURT STAFF) (Filed on 4/30/2007) (Entered: 05/01/2007)
05/24/2007	63	NO BAIL Warrant Returned Executed on 4/14/07 as to William Lusk. (kc, COURT STAFF) (Filed on 5/24/2007) (Entered: 05/25/2007)
06/05/2007	64	Minute Entry for proceedings held before Judge Sandra Brown Armstrong: Status Hearing re Supervised Release Revocation as to William Lusk held on 6/5/2007. Further Status Hearing re Supervised Release Revocation set for 7/10/2007 at 09:00 AM before Hon. Sandra Brown Armstrong. (Court Reporter Starr Wilson.) (kc, COURT STAFF) (Filed on 6/5/2007) Modified on 6/13/2007 (kc, COURT STAFF). (Entered: 06/12/2007)
07/02/2007	65	CLERKS NOTICE Continuance of Hearing Status RE: SUPERVISED RELEASE REVOCATION set for 7/31/2007 09:00 AM. (lrc, COURT STAFF) (Filed on 7/2/2007) (Entered: 07/02/2007)
07/02/2007	66	ORDER including case in the Electronic Case File Program as to William Lusk. Signed by Judge Sandra Brown Armstrong on 7/2/07. (kc, COURT STAFF) (Filed on 7/2/2007) (Entered: 07/03/2007)
07/02/2007	--	CASE DESIGNATED for Electronic Filing. (Entered: 07/03/2007)
07/31/2007	67	Minute Entry for proceedings held before Judge Sandra Brown Armstrong :Status Conference as to William Lusk held on 7/31/2007 Status Conference set for 9/4/2007 09:00 AM. (Court Reporter DIANE SKILLMAN.) (lrc, COURT STAFF) (Filed on 7/31/2007) (Entered: 07/31/2007)
09/04/2007	68	Minute Entry for proceedings held before Judge Sandra Brown Armstrong :Status Conference as to William Lusk held on 9/4/2007 Status Conference set for 10/2/2007 09:00 AM. (Court Reporter RAYNEE MERCADO.) (lrc, COURT STAFF) (Filed on 9/4/2007) (Entered: 09/05/2007)
09/06/2007	70	ORDER RELATING CASE CR-07-00374-MJJ, however reassignment of case to Judge Sandra Brown Armstrong is not warranted. Signed by Judge Sandra Brown Armstrong on 9/5/07. (kc, COURT STAFF) (Filed on 9/6/2007) (Entered: 09/07/2007)
09/07/2007	69	ORDER RELATING CASE.. Signed by Judge Sandra Brown Armstrong on 9/6/07. (lrc, COURT STAFF) (Filed on 9/7/2007) (Entered: 09/07/2007)
10/02/2007	71	Minute Entry for proceedings held before Judge Sandra Brown Armstrong :Status Conference as to William Lusk held on 10/2/2007 Final Hearing re Revocation of Supervised Release set for 10/23/2007 10:00 AM before Hon. Sandra Brown Armstrong. (Court Reporter STARR WILSON.) (lrc, COURT STAFF) (Filed on 10/2/2007) (Entered: 10/02/2007)
10/17/2007	72	MEMORANDUM of Disposition by William Lusk (Matthews, Jerome) (Filed on 10/17/2007) (Entered: 10/17/2007)
10/22/2007	73	STIPULATION and [Proposed] Order Continuing Disposition Hearing Date by William Lusk (Matthews, Jerome) (Filed on 10/22/2007) (Entered: 10/22/2007)
10/23/2007	74	ORDER CANCELLING DEADLINE as to William Lusk. Final Hearing re Revocation of Supervised Release set for 11/27/2007 10:00 AM before Hon. Sandra Brown Armstrong.. Signed by Judge Sandra Brown Armstrong on 10/22/07. (lrc, COURT STAFF) (Filed on 10/23/2007) (Entered: 10/23/2007)